

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ANDREASON

Atty. Ref.: 1410-762

Serial No. 09/898,480

Group: 2618

Filed: July 5, 2001

Examiner: Aminzay, Shaima Q.

For: AN ARRANGEMENT AND A METHOD IN A TELEPHONY

SYSTEM

Before the Board of Patent Appeals and Interferences

BRIEF FOR APPELLANT

On Appeal From Final Rejection From Group Art Unit 2618

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October 10, 2008

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APPEAL BRIEF

I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Telefonaktiebolaget L M Ericsson (publ) (Assignee), a Swedish corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals related to this subject application. There are no interferences related to this subject application.

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III. STATUS OF CLAIMS

Claims 1-5, 7, 9-16, 18, and 25 are pending, more than twice rejected, and appealed. Claims 6, 8, 17, and 19-24 canceled.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the rejection dated March 19, 2008.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

A person communicating via a telecommunications network may use a conventional stationary phone, like a desk phone, which is convenient and easy to use because it has a big keypad and often a big display. When moving around, the person can use a mobile telephone, which is small and is easy to carry. But a mobile telephone typically has a small keypad that can be a bit difficult to use and a small display that can be hard to view. The received signal quality and the volume are not always the best for a mobile telephone but are usually excellent for a stationary phone. The handset for the deskphone is also often regarded as more convenient to hold than the small mobile telephone.

Because many people have both a mobile telephone to carry around and a stationary deskphone in the office or home, each such person also has multiple sets of user data in the telephony system. Multiple directory numbers can be confusing for others trying to phone that person. Furthermore, a deskphone still requires the

person to be tied to a particular telephone line, and if the person moves permanently, that person's user data will have to be changed.

The above problems are solved by a stationary telephony terminal through which a subscriber communicates via the subscriber's mobile radio telephone connected to a mobile radio telephony network. The stationary telephony terminal and the mobile radio telephone communicate with each other by a wireless short range communication link. The mobile radio telephone can move and wirelessly connect to different stationary telephony terminals at different locations. The stationary telephony terminals have no own telephone number or other identity in the mobile radio telephony network.

The stationary telephony terminal and the mobile radio telephone have each a short range wireless transceiver to establish the wireless short range link between them. When the mobile radio telephone is in range of the wireless short range link of the stationary telephony terminal, and before a call is made or answered on the stationary terminal, they perform an identification procedure via the short range link. Outgoing calls may then be set up and incoming calls may be taken on the convenient-to-use stationary telephony terminal. Although the user's experience and interface is with the convenient-to-use stationary telephony terminal, the call is actually routed to/from the mobile terminal which delivers the call information, e.g., speech, to the stationary phone via the wireless short range link. The user can use the mobile terminal with any subscriber terminal that includes the short range

wireless transceiving capability which also permits the user to simply use one telephone number/set of subscriber data regardless of where the person is at the time of a call.

The following claim charts provide a mapping of the independent claims onto non-limiting example embodiment text from the specification and figures by reference numerals where appropriate. This mapping is not intended to be used for claim construction.

1. An arrangement in a telephony system	See TS1 in Figure 1. Page 5, lines
comprising:	15-16.
at least one mobile radio telephone for being	Mobile radio telephone M1 is
radio connected to a mobile radio telephony	radio connected to a mobile
network in the telephony system via a radio	network indicated by BS1 in the
link; and	telephony system of Figure 1 via a
	radio link R1. Page 5, lines 16-
	20.
at least one stationary telephony terminal,	Stationary telephony terminal S1
	in Figure 1. Page 5, lines 20-22.
wherein the stationary telephony terminal and	S1 and M1 each have a short
the mobile radio telephone each have a short	range transceiver, BT2 and BT1
range transceiver for intercommunication via	respectively, for
a short range wireless communication link;	intercommunication via a short
	range wireless communication
	link SWL1 as shown in Figure 1.
	Page 5, line 20-page 6, line 2.
wherein the stationary terminal or the mobile	Page 7, lines 24-25. See also one
radio telephone is arranged to establish a	example at Figs. 4 and 5 described

speech channel over the short range wireless	page 10, line 23- page 11, line21
communication link; and	and page 12, line 4-page 13, line
	4.
wherein the stationary telephony terminal is	Page 7, line 25-page 8, line 9. See
arranged to communicate speech over the	also one example at Figs. 4 and 5
mobile radio telephony network via the	described page 10, line 23- page
mobile radio telephone with another	11, line21 and page 12, line 4-
telephone including to transmit and receive	page 13, line 4.
speech signals over the speech channel	
established over the short range wireless	
communication link.	

7. Method for communicating in a telephony system via a communication arrangement including at least one mobile radio telephone for being radio connected to a mobile radio telephony network in the telephony system via a radio link and at least one stationary telephony terminal, the method comprising:

See TS1 in Figure 1. Page 5, lines 15-16. Mobile radio telephone M1 is radio connected to a mobile network indicated by BS1 in the telephony system of Figure 1 via a radio link R1. Page 5, lines 16-20. See stationary telephony terminal S1 in Figure 1. Page 5, lines 20-22.

intercommunicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone; S1 and M1 each have a short range transceiver, BT2 and BT1 respectively, for intercommunication via a short range wireless communication link SWL1 as shown in Figure 1. Page 5, line 20-page 6, line 2.

Page 7, lines 24-25. See also one
example at Figs. 4 and 5 described
page 10, line 23- page 11, line21
and page 12, line 4-page 13, line
4.
Page 7, line 25-page 8, line 9. See
also one example at Figs. 4 and 5
described page 10, line 23- page
11, line21 and page 12, line 4-
page 13, line 4.
See Figure 4 and page 10, line 23-
page 11, line 2.
See Figure 4 and page 11, lines 9-
10.
See Figure 4 and page 11, lines
10-13.
See Figure 4 and page 11, lines
13-16.
See Figure 4 and page 11, lines
17-19.

See TS1 in Figure 1. Page 5, lines 21. A method for communicating in a 15-16. Mobile radio telephone M1 telephony system via a communication is radio connected to a mobile arrangement including a mobile radio for network indicated by BS1 in the communicating over a radio link with a mobile radio telephony network and a telephony system of Figure 1 via a radio link R1. Page 5, lines 16-20. stationary telephony terminal, the method See stationary telephony terminal comprising: S1 in Figure 1. Page 5, lines 20-22. S1 and M1 each have a short range communicating via a short range wireless transceiver, BT2 and BT1 communication link between the stationary respectively, for telephony terminal and the mobile radio intercommunication via a short telephone, where the short range wireless communication link is separate from the range wireless communication link radio link; SWL1 separate from radio link R1, as shown in Figure 1. Page 5, line 20-page 6, line 2. Page 7, lines 24-25. See also one establishing a speech channel over the short example at Figs. 4 and 5 described range wireless communication link for carrying speech signals between the page 10, line 23- page 11, line 21 and page 12, line 4-page 13, line 4. stationary telephony terminal and the mobile radio telephone; and Page 7, line 25-page 8, line 9. See communicating speech to or from the also one example at Figs. 4 and 5 stationary telephony terminal over the mobile radio telephony network via the described page 10, line 23- page 11, mobile radio telephone with another line21 and page 12, line 4-page 13, telephone communicating with the radio line 4. telephony network, said communicating speech including transmitting and receiving

speech signals over the speech channel	
established over the short range wireless	
communication link.	

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The questions to be decided by the Board is whether the following rejections are improper:

- the rejection of claims 1-5 and 21-25 under 35 U.S.C. §103 based on Henon and Tada.
- the rejection of claims 7, 9-16, 18, and 20 under 35 U.S.C. §103 based on Henon and Beck.

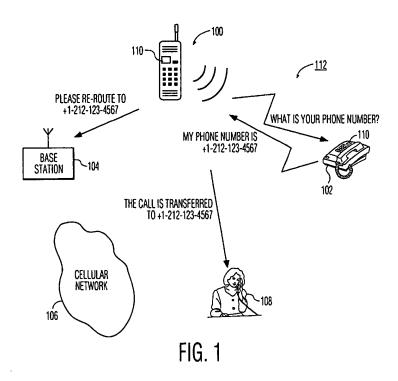
VII. ARGUMENT

The Rejection Under 35 U.S.C. §103 Based On Henon and Tada Is Improper

A. Henon's System Is Different

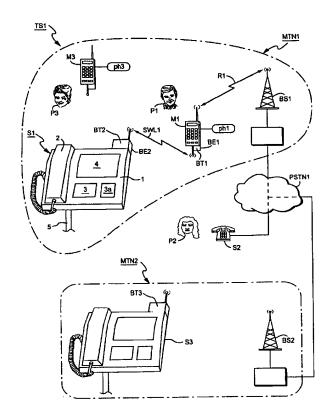
Henon teaches a method for <u>in-progress telephone call transfer</u> between a wireless mobile telephone 100 and a wired telephone 102 using a short-range communication control link 112. When the wireless mobile telephone's battery is almost exhausted, the wireless mobile telephone requests the stationary wired telephone's phone number, (+1-212-123-4567 is used in Fig. 1 reproduced on the next page), by communicating with stationary wired telephone 102 over the short-

range wireless communication link 112. Upon receipt of the stationary wired telephone's phone number +1-212-123-4567, the wireless mobile telephone issues a call transfer request to a cellular base station 104, passing the stationary wired telephone's phone number, i.e., "please re-route to +1-212-123-4567." The base station 104 and the network 104 then transfer the call to the stationary wired telephone at +1-212-123-4567.



As explained in the summary section above, the claimed technology is not directed to a transfer of a call on a mobile phone with a low battery to a stationary wired phone so that the call can continue. Only one of these phones is ever involved in communicating the call content to the user. Instead, claim 1 recites an arrangement where both of the mobile and stationary phone are involved in

communicating the call content to the user during the life of the call. Figure 1 from the instant application is reproduced below to allow easy contrast with Figure 1 of Henon.



Note that both the stationary wired phone S1 and the mobile wireless phone M1 are involved in communicating the call content to the user P1 and the other party to the call P2. That is not the case in Henon's Figure 1 where the mobile phone 100 initially is communicating the call content to/from the user, and then after the transfer, only the stationary phone 102 is communicating the call content to/from the user. The mobile phone 100 and the stationary phone 102 are not used together to communicate the call content to/from the user.

B. Henon Transfers the Call from the Mobile to the Wireline Phone

In Henon, it is assumed that a call with the mobile phone 100 is currently in progress. The stationary wireline phone 102 is not involved in the call yet. The mobile phone 100 wants to transfer the call to the stationary wireline phone 102 and asks for the telephone number of the stationary wireline phone over a Bluetooth wireless link. See Figure 1. The stationary wireline phone 102 responds by sending its wireline telephone number +1-212-123-4567. Thereafter, the mobile provides the wireline telephone number +1-212-123-4567 to the mobile network and asks that the call be set up with the stationary wireline phone via the wireline network. As a result, the mobile network transfers the call via the wireline network in the conventional way from the mobile phone to the stationary wireline phone. The user answers the call on the stationary wireline phone and then hangs up the call on the mobile. See again Henon's Figure 1. Henon's purpose in transferring the call from the mobile to the stationary wireline phone is to conserve the mobile's battery by not having the mobile phone involved or used in the call once the call transfer is complete.

In the appealed independent claims, by contrast, the call is <u>not</u> transferred from the mobile phone to the stationary wireline phone. Instead, the call is made and conducted by the stationary wireline phone through the mobile phone to the called device. In fact, if the mobile's battery runs out in the claimed arranged, the call is dropped. There is no traditional wireline connection from the stationary

wireline phone terminal to the called device in the claimed arrangement or method.

What neither Henon nor Tada teach is that <u>both</u> the stationary wireline phone and the mobile phone are used to communicate speech during the call with the called device. The speech from the caller is received at the stationary wireline phone is carried over a short distance, wireless speech channel to the mobile phone and the mobile phone sends that speech over a radio channel to the network which routes it to the called device. See "the stationary telephony terminal and the mobile radio telephone each have a short range transceiver for intercommunication via a short range wireless communication link" and "the stationary telephony terminal is arranged to communicate speech over the mobile radio telephony network via the mobile radio telephone with another telephone," as recited in claim 1.

Method claim 21 is similarly distinguishable reciting:

- "communicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone, where the short range wireless communication link is separate from the radio link,"
- "establishing a speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone," and

 "communicating speech to or from the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone with another telephone communicating with the radio telephony network."

The combinations of features in claims 1 and 21 are understandably missing from Henon and Tada because claims 1 and 21 recite an arrangement and a method that are very different from what Henon describes.

B. Henon's Bluetooth Link Does Not Carry Speech

Claims 1 and 21 require that speech be carried on a short range wireless link between a stationary telephony terminal and a mobile radio. Henon only uses the Bluetooth link 112 (a short range wireless link) to query the stationary wireline phone 102 for its phone number +1-212-123-4567. Speech is never sent over that Bluetooth link. After the call transfer, any involvement in the call and any link between Henon's mobile phone 100 and the stationary wireline phone 102 is ended.

C. Tada Does Not Remedy The Basic Deficiencies In Henon

The Examiner admits that a speech channel is not established in Henon between the stationary wireline phone 102 and the mobile phone 100 over the Bluetooth wireless link 112. In Henon, the call content path is either with the stationary wireline phone 102 or with the mobile phone 100, but not both. When

the call is transferred in Henon to the stationary wireline phone 102, the call with the mobile 100 is ended.

Tada discloses a way to adaptively set the time interval between inquiry scans on a Bluetooth link to save battery capacity. Tada mentions (col. 7, line 61) that Bluetooth includes a synchronous speech channel. But there is no teaching there of using that Bluetooth speech channel to carry speech between a stationary wireline phone and a mobile wireless phone, where that speech is also communicated between a called device and the mobile phone. In fact, Tada does not even describe any particular use of the Bluetooth speech channel. Nor is there any reason to include Tada's Bluetooth speech channel in Henon because Henon either communicates speech with the called device 108 with the mobile phone 110 alone or with the stationary wireline phone 102 alone.

D. Other Clear Evidence of Non-obviousness

In addition to missing claim elements, further indicia are present that demonstrate non-obviousness. First, Henon *teaches away* from claims 1 and 21. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

In column 1, lines 18-21, Henon teaches: "those who use cellular telephones often find themselves cut off or dropped in the middle of a wireless call

for any number of reasons, such as battery loss, network connection problems, or the like." Claims 1 and 21 suffer from this very problem that Henon explicitly wants to avoid. Using a cellular mobile phone as a conduit for a call between a stationary wireline phone and the called device as in claims 1 and 21 is the very type of thing Henon warns against.

Second, in the claimed approach, the stationary wireline phone lacks a wired connection to a fixed telephone network. Instead, the network connection is made via the mobile and a wireless channel. Henon's system would not work without such a wired connection. Indeed, the call cannot be transferred to the stationary wireline phone 102 without a wired connection. Thus, a modification to Henon to make it more like what is claimed not only is inconsistent with Henon's teachings, it renders Henon inoperable for its intended purpose—another clear indicia of non-obviousness. See, for example, *In re Fritch*, 972 F.2d 1260, 1265-1266 (Fed. Cir. 1992). It would also change the principle of operation of Henon—another indicia of non-obviousness. See, for example, *In re Ratti*, 270 F.2d 8810 (CCPA 1959).

Accordingly, there is no rational basis for the proposed combination. The obviousness rejection of the claims based on Henon and Tada is improper and should be reversed.

1)

The Rejection Under 35 U.S.C. §103 Based On Henon and Beck Is Improper

A. Beck Does Not Remedy The Deficiencies In Henon

Method claim 7 recites:

- "intercommunicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone"
- "establishing a speech channel over the short range wireless communication link"
- "communicating speech to and from the stationary telephony
 terminal over the mobile radio telephony network via the mobile
 radio telephone with another telephone including transmitting and
 receiving speech signals over the speech channel established over
 the short range wireless communication link."

Neither Henon nor Beck teaches these features for the reasons explained above, and the other clear evidence of non-obviousness outlined above also applies to the rejection of claim 7 based on Henon and Beck. The Examiner does not address the features of "transmitting and receiving speech signals over the speech channel established over the short range wireless communication link" "between the stationary telephony terminal and the mobile radio telephone" missing from Henon. Beck also does note remedy these deficiencies.

Regarding the discovery signal features in claim 7 missing from Henon,
Beck teaches "discovering and sharing software services in a distributed
computing environment." Col. 3, lines 37-40. But software service discovery is
not what is claimed. Instead, claim 7 recites: sending, **from the stationary telephony terminal**, discovery signals over the short range wireless
communication link. This is not disclosed in Beck. Nor does Beck teach
receiving in a stationary wireline telephone the response signal from the mobile.

Nor does Beck teach "sending a mobile identification signal from the mobile radio telephone, and thereafter, generating a ring signal at the stationary telephony terminal to indicate an incoming call," as recited in claim 7. As previously pointed out, Henon's mobile sends a message requesting the wireline phone's telephone number. The wireline telephone replies with its wireline telephone number. Then the mobile sends the call transfer request to the network with that number. See col. 3, line 62- col. 4, line 8 in Henon. This is the opposite from the steps in claim 7 above where it is the stationary wireline telephone—not the mobile—that sends the initial request message.

B. Other Missing Claim Features

Claim 20 recites "generating a ring signal at the mobile radio telephone to indicate the incoming call in addition to the ring signal generated at the stationary telephony terminal." This feature is missing in Henon and Beck. The "ringing

d

connection" referred to at col. 4, lines 11-12 of Henon is established "at the wired telephone 102" and is not "a ring signal at the mobile radio telephone" 100.

Henon also lacks "a service code on the stationary telephony terminal indicating when the sent authentication code is valid," recited in claim 13. None of the messages in col. 4, lines 1-18 of Henon is described or would be reasonably understood as the claimed service code validating a sent authentication code.

Claim 15 recites "checking the authentication code in the mobile radio telephony network" rather than performing that checking at a "mobile radio telephony network telephone," as stated in the final rejection. Henon does not disclose the claimed network checking the authentication code.

VIII. CONCLUSION

The final rejections under 35 U.S.C. §103 should be reversed, and the application passed to allowance.

Respectfully submitted,

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By:

John R. Lastova Reg. No. 33,149

JRL/maa Appendix A - Claims on Appeal

IX. CLAIMS APPENDIX

1. (Previously Presented) An arrangement in a telephony system comprising: at least one mobile radio telephone for being radio connected to a mobile radio telephony network in the telephony system via a radio link; and

at least one stationary telephony terminal,

wherein the stationary telephony terminal and the mobile radio telephone each have a short range transceiver for intercommunication via a short range wireless communication link;

wherein the stationary terminal or the mobile radio telephone is arranged to establish a speech channel over the short range wireless communication link; and

wherein the stationary telephony terminal is arranged to communicate speech over the mobile radio telephony network via the mobile radio telephone with another telephone including to transmit and receive speech signals over the speech channel established over the short range wireless communication link.

- 2. (Previously Presented) An arrangement in a telephony system according to claim 1, wherein the stationary telephony terminal has a device for taking a telephone number to a called subscriber.
- 3. (Previously Presented) An arrangement in a telephony system according to claim 1, wherein the short range transceivers are radio transceivers.

- 4. (Previously Presented) An arrangement in a telephony system according to claim 3, wherein the short range radio transceivers are BLUETOOTH transceivers.
- 5. (Previously Presented) An arrangement in a telephony system according to claim 1, wherein the short range transceivers are optical transceivers.
 - 6. (Canceled)
- 7. (Previously Presented) Method for communicating in a telephony system via a communication arrangement including at least one mobile radio telephone for being radio connected to a mobile radio telephony network in the telephony system via a radio link and at least one stationary telephony terminal, the method comprising:

intercommunicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone;

establishing a speech channel over the short range wireless communication link; communicating speech to and from the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone with another telephone including transmitting and receiving speech signals over the speech channel established over the short range wireless communication link;

wherein the method further comprises:

sending, from the stationary telephony terminal, discovery signals over the short range wireless communication link;

receiving in the mobile radio telephone said discovery signals; sending response signals from the mobile radio telephone; receiving in the stationary telephony terminal the response signals; and

sending a mobile identification signal from the mobile radio telephone, and thereafter, generating a ring signal at the stationary telephony terminal to indicate an incoming call.

- 8. (Canceled)
- 9. (Previously Presented) Method for communicating in a telephony system according to claim 7, wherein the identification signal includes an individual identification signal for the mobile radio telephone.
- 10. (Previously Presented) Method for communicating in a telephony system according to claim 7, further comprising the following steps:

sending, from the mobile radio telephone, discovery signals over the short range wireless communication link;

receiving in the stationary telephony terminal said discovery signals; sending response signals from the stationary telephony terminal; receiving in the mobile radio telephone the response signals; and sending a mobile identification signal from the mobile radio telephone.

- 11. (Previously Presented) Method for communicating in a telephony system according to claim 10, wherein the identification signal from the mobile radio telephone includes an individual identification signal for the mobile radio telephone.
- 12. (Previously Presented) Method for communicating in a telephony system according to claim 9, further comprising sending from the stationary telephony terminal an authentication code to the mobile radio telephone.

- 13. (Previously Presented) Method for communicating in a telephony system according to claim 12, further comprising taking a service code on the stationary telephony terminal indicating when the sent authentication code is valid.
- 14. (Previously Presented) Method for communicating in a telephony system according to claim 12, further comprising checking the authentication code in the mobile radio telephone.
- 15. (Previously Presented) Method for communicating in a telephony system according to claim 12, further comprising checking the authentication code in the mobile radio telephony network.
- 16. (Previously Presented) Method for communicating in a telephony system according to claim 7, further comprising the following steps:

receiving an incoming call on the mobile radio telephone via the radio link from the mobile radio telephony network;

transmitting a message regarding the call to the stationary telephony terminal via the short range wireless communication link; and

establishing a speech channel on the short range wireless communication link.

- 17. (Canceled)
- 18. (Previously Presented) Method in a telephony system according to claim 7, further comprising the following steps:

setting up a connection on the short range wireless communication link; taking a telephone number on the stationary telephony terminal to a called subscriber;

transmitting the telephone number to the mobile radio telephone via the short range wireless communication link;

setting up a connection on the radio link from the mobile radio telephone to the mobile radio telephony network in dependence on the transmitted telephone number.

- 19. (Canceled)
- 20. (Previously Presented) A method in claim 7, further comprising generating a ring signal at the mobile radio telephone to indicate the incoming call in addition to the ring signal generated at the stationary telephony terminal.
- 21. (Previously Presented) A method for communicating in a telephony system via a communication arrangement including a mobile radio for communicating over a radio link with a mobile radio telephony network and a stationary telephony terminal, the method comprising:

communicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone, where the short range wireless communication link is separate from the radio link;

establishing a speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone; and

communicating speech to or from the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone with another telephone communicating with the radio telephony network, said communicating speech including

transmitting and receiving speech signals over the speech channel established over the short range wireless communication link.

- 22. (Previously Presented) The method in claim 21, wherein when a call is placed from the another telephone to the mobile radio telephone, the mobile radio telephone establishes the speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone, a ring tone is generated at the stationary telephony terminal, a user associated with the mobile radio telephone answers the call at the stationary telephony terminal, and speech signals from the stationary telephony terminal are provided over the established speech channel to the mobile radio telephone, over the radio link, and via mobile radio telephony network to the another telephone.
- 23. (Previously Presented) The method in claim 21, wherein a user associated with the mobile radio telephone dials a telephone number associated with the another telephone at the stationary telephony terminal, the speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone is established, the mobile radio telephone requests a channel on the radio link, and the mobile radio telephony network conveys a call request to the another telephone.
- 24. (Previously Presented) The method in claim 23, wherein when the another telephone responds to the call request, speech signals from the stationary telephony terminal are communicated via the speech channel over the short range wireless

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communication link, the channel on the radio link, and the mobile radio telephony network to the another telephone.

25. (Previously Presented) An arrangement in a telephony system according to claim 1, wherein the stationary terminal includes a device for generating a ring signal to indicate an incoming call.

X. EVIDENCE APPENDIX

There is no evidence appendix.

XI. RELATED PROCEEDINGS APPENDIX

There is no related proceedings appendix.